

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
EASTERN DIVISION**

**VINCENT M. WHEELER,**

**PETITIONER**

**V.**

**NO. 1:07CV224-P-D**

**R. KING, et al.,**

**RESPONDENTS**

**FINAL JUDGMENT OVERRULING OBJECTIONS and  
ADOPTING REPORT AND RECOMMENDATION**

The *pro se* Petitioner brings this petition pursuant to 28 U.S.C. § 2254. On March 19, 2008, Magistrate Judge Jerry A. Davis recommended that this petition be dismissed with prejudice as barred by the applicable statute of limitations. On April 1, 2008, Petitioner filed an Objection to the Report and Recommendation and asked for an evidentiary hearing.

The court finds that Petitioner's arguments are not well-taken and that the objections should be overruled for the reasons stated in the Report and Recommendation, which the court approves and adopts as its opinion.

THEREFORE, it is hereby ORDERED that

1) the Petitioner's objections to the Report and Recommendation of the United States Magistrate Judge are OVERRULED;

2) the Report and Recommendation is APPROVED and ADOPTED as the opinion of this court;

3) an evidentiary hearing is not warranted and Petitioner's request for an evidentiary hearing is DENIED;

4) the petition is DISMISSED; and

5) this case is CLOSED.

SO ORDERED, this the 2<sup>nd</sup> day of April, 2008.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE